

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE HUMBERTO BARILLAS,
Petitioner,

v.

JAMES S. HILL,
Respondent.

Case No. [22-cv-02957-WHO](#) (PR)

ORDER OF DISMISSAL

Dkt. No. 13

Petitioner Barillas has not complied with my order to pay the \$5.00 filing fee by the deadline. (Order Denying Application to Proceed in In Forma Pauperis, Dkt. No. 14.) Accordingly, this federal habeas action is **DISMISSED** (without prejudice) for failure to respond to the Court's order and for failure to prosecute, *see* Federal Rule of Civil Procedure 41(b).

Because this dismissal is without prejudice, Barillas may move to reopen. Any such motion must have the words **MOTION TO REOPEN** written on the first page, and contain full payment for the \$5.00 filing fee.

Respondent's motion to dismiss on grounds of non-exhaustion is **DENIED** without prejudice. (Dkt. No. 13.) If the action is reopened, I will reinstate respondent's motion.

The Clerk shall terminate all pending motions, enter judgment in favor of respondent, and close the file.

IT IS SO ORDERED.

Dated: January 31, 2023


WILLIAM H. ORRICK
United States District Judge